



# The HIGH ROAD

*"Preserving public confidence in public servants."*

No. 98-5

Hawaii State Ethics Commission

November 1998

## VISIT OUR NEW WEB SITE!

The Hawaii State Ethics Commission has a new web site! Visit our web site and learn more about the Commission and the laws that we administer. You will find the following information at your fingertips:



- ▣ General information about the State Ethics Commission
- ▣ The laws and administrative rules of the State Ethics Commission:
  - State Ethics Code, Chapter 84, Hawaii Revised Statutes
  - State Lobbyists Law, Chapter 97, Hawaii Revised Statutes
  - Title 21, Administrative Rules of the State Ethics Commission
- ▣ Advisory Opinions and Decisions of the State Ethics Commission
- ▣ Publications of the State Ethics Commission
- ▣ Ethics Newsletter, The High Road
- ▣ State Ethics Commission Forms and Instructions (all printable from the web site)  
Includes:
  - Financial disclosure forms
  - Gifts disclosure forms
  - Lobbyist registration forms and Expenditures report forms
- ▣ Public Records of the State Ethics Commission  
Includes the list of registered lobbyists and who they represent and the list of organizations represented by registered lobbyists. Soon to include public financial disclosure statements and lobbyist registration statements.

Our web site address is:

**<http://www.state.hi.us/ethics>**

## WHAT HAPPENS TO ETHICS CHARGES?

The State Ethics Commission is responsible for handling charges of alleged violations of the State Ethics Code. The Commission has statutory powers to investigate charges, to hold hearings and issue decisions, and to refer violations of the ethics laws to state authorities for disciplinary action and other sanctions. The process works like this:

1. *An ethics charge is filed with the Commission.* A charge that is filed with the Commission must be in writing and must be signed under oath by the person making the charge. The Commission may itself initiate a charge if it has reason to believe that a state official or employee has violated the State Ethics Code. 
2. *The respondent is notified.* The Commission must notify in writing the person against whom a charge is received (the "respondent"). The Commission will send a copy of the charge to the respondent and must provide the respondent with a chance to answer the allegations.
3. *The charge is investigated.* The Commission will investigate the charge. The investigation is confidential by law. The Commission's investigative powers include the power to subpoena witnesses and documents for examination. The Commission also has the power to take testimony from persons under oath. The Commission may request assistance in its investigation from state agencies. The law requires all state agencies and departments to cooperate and assist the Commission in the performance of its duties. 
4. *The Commission may issue an advisory opinion to the respondent.* If the Commission does not believe that further charge proceedings are warranted, the Commission may dismiss the charge or may issue an advisory opinion to the respondent. An advisory opinion will inform the respondent about the requirements of the ethics code. The Commission may decide to take no further action if the respondent complies with the advisory opinion.

5. *The Commission may hold a public hearing on the charge.* If the Commission finds probable cause to believe that a violation of the ethics code has occurred, the Commission may decide to hold a hearing. If the Commission proceeds to a hearing, the case becomes a matter of public record and the hearing itself will be open to the public. The hearing will be held in accordance with Chapter 91, Hawaii Revised Statutes. The Commission will issue a written decision after the hearing. The decision will be a public record.
6. *The Commission may issue a complaint against the respondent and refer the matter to the appropriate state authority.* If the Commission concludes after a hearing that a violation of the ethics code occurred, the Commission will issue a "complaint" against the respondent. The complaint is a public statement containing the facts that constitute the ethics violation. Depending on which branch of government the respondent serves, the Commission will refer the complaint to either the Governor, the Legislature, or the Chief Justice of the Hawaii Supreme Court for appropriate disciplinary action. Disciplinary action may include reprimand, probation, demotion, suspension, or discharge from state employment. The Commission also may refer the matter to the Attorney General for further sanctions and legal remedies. The Attorney General may void any favorable state action (including state contracts) resulting from a violation of the ethics laws, and may recover any compensation, gift, or profit received by any person as a result of a violation.



### 1998 EDUCATION PROGRAM HIGHLIGHTS

1998 was a busy year for the State Ethics Commission's education program. We conducted ethics workshops for state employees on Oahu and the neighbor islands throughout the year. We also participated in orientation sessions to acquaint new state employees and new board and commission members with the ethics laws. In addition, we appeared at numerous conferences, training sessions, and meetings to talk to public and private groups about the ethics and lobbying laws.

The following are some of the highlights from our 1998 Education Program:

#### Ethics Workshops for State Employees

Big Island (Hilo and Kona)	4 workshops
Kauai	2 workshops
Maui	2 workshops
Oahu	9 workshops

#### Ethics Workshops for State Departments (by request)

Department of Defense  
Department of Education  
Department of Human Services  
University of Hawaii (Hilo)

#### Ethics/Lobbying Workshops/Presentations for Other Groups (by request)

Common Cause  
Chamber of Commerce  
National Association of Purchasing Management  
KSSK Radio Talk Show Host Rick Hamada's  
Interview of the Commission's Executive  
Director Regarding the Work of the Commission

#### Orientation for New State Employees

4 sessions

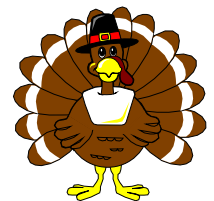
#### Orientation for New State Board and Commission Members

**HAPPY THANKSGIVING**

*from the*

**HAWAII STATE**

**ETHICS COMMISSION!**



The High Road is a publication  
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